

2014 VIRGINIA LEGISLATIVE UPDATE FOR LAW ENFORCEMENT (Organized by Topic)

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I. Investigations

HB 138 Magistrates; authorized to exercise powers regarding search warrants throughout Commonwealth.

Chief patron: Pogge

An Act to amend and reenact §§ 16.1-69.25 and 19.2-44 of the Code of Virginia, relating to magistrates; district court judges; territorial jurisdiction.

Summary as passed House:

Magistrates and district court judges; territorial jurisdiction; search warrants. Authorizes magistrates and district court judges to exercise powers regarding search warrants throughout the Commonwealth. This bill is identical to SB 485.

SB 485 Magistrates; authorized to exercise powers regarding search warrants throughout Commonwealth.

Chief patron: Norment

An Act to amend and reenact §§ 16.1-69.25 and 19.2-44 of the Code of Virginia, relating to magistrates; district court judges; territorial jurisdiction.

Summary as passed:

Magistrates and district court judges; territorial jurisdiction; search warrants. Authorizes magistrates and district court judges to exercise powers regarding search warrants throughout the Commonwealth. This bill is identical to HB 138.

HB 17 Electronic communication or remote computing devices; warrant requirement for certain records.

Chief patron: Marshall, R.G.

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to warrant requirement for certain telecommunications records; real-time location data.

Summary as passed:

Warrant requirement for certain telecommunications records; real-time location data. Provides that a provider of electronic communication service or remote computing service shall not disclose real-time location data to an investigative or law-enforcement officer except pursuant to a search warrant, subject to certain exceptions. The bill defines "real-time location data" as data or concerning the current location of an electronic device that is generated, derived from, or obtained by the operation of the device. This bill incorporates HB 817.

HB 817 Telecommunications records; warrant requirement for certain records to be retrieved.

Chief patron: Carr

A BILL to amend and reenact §§ 18.2-152.17 and 19.2-70.3 of the Code of Virginia, relating to warrant requirement for certain telecommunications records.

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Summary as introduced:

Warrant requirement for certain telecommunications records. Provides that the "location data" of a customer of an electronic communication service or a remote computing service may

only be retrieved from the provider by warrant or consent of the customer. Location data is defined as any data or information that tracks, either at a point in time or over a period of time, the location of a subscriber to or customer of a provider of electronic communication service or a remote computing service as determined by the location of an electronic device to which the subscriber or customer has legal title, claim, right, or ultimate control. This bill was incorporated into HB 17.

HB 485 Abduction and prostitution offenses; administrative subpoena for electronic communication service.

Chief patron: Hugo

An Act to amend and reenact § 19.2-10.2 of the Code of Virginia, relating to administrative subpoena for electronic communication service or remote computing service records; abduction and prostitution offenses.

Summary as introduced:

Administrative subpoena for electronic communication service or remote computing service records; abduction and prostitution offenses. Adds certain abduction and prostitution offenses to the list of crimes for which attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation.

HB 56 Multi-jurisdiction grand juries; numerous changes to laws governing.

Chief patron: Loupassi

An Act to amend and reenact §§ 19.2-192, 19.2-215.1, 19.2-215.5, 19.2-215.6, and 19.2-215.9 of the Code of Virginia, relating to multi-jurisdiction grand juries.

Summary as passed:

Multi-jurisdiction grand juries. Makes a number of changes to the laws governing multi-jurisdiction grand juries, including (i) providing that the grand jury's subpoena power must be executed through special counsel and that such subpoenas must be returnable for a specific meeting of the grand jury; (ii) allowing for the designation of specialized personnel for investigative purposes, known as sworn investigators, who may participate in grand jury

proceedings at the request of special counsel or the grand jury; (iii) providing that copies of tapes, notes, and transcriptions of grand jury proceedings will be maintained by the clerk of the circuit court in whose jurisdiction the multi-jurisdiction grand jury sits; and (iv) providing that the testimony of a witness before the grand jury may serve as the basis for a charge of perjury. The bill also expands who must keep secret what occurred during a grand jury proceeding to include attorneys for the Commonwealth, special counsel, and sworn investigators.

HB 405 Abuse or neglect of a child, suspected; reports to law enforcement.

Chief patron: Bell, Robert B.

An Act to amend and reenact § 63.2-1503 of the Code of Virginia, relating to suspected abuse or neglect of a child; reports to law enforcement.

Summary as passed:

Suspected abuse or neglect of a child; reports to law enforcement. Requires the local department of social services to notify the local attorney for the Commonwealth and the local law-enforcement agency of all complaints of suspected child abuse and neglect involving certain injuries or criminal acts immediately upon receipt of the complaint, but in no case more than two hours from receipt of the complaint. The bill also requires the local department to complete a written report on a form provided by the Board of Social Services for such purpose for each case in which a local law-enforcement agency is notified of a case of suspected child abuse or neglect. This bill is identical to SB 332.

HB 334 Multidisciplinary child sexual abuse response teams, local; attorney to establish to review cases.

Chief patron: Bell, Robert B.

An Act to amend the Code of Virginia by adding a section numbered 15.2-1627.5, relating to local multidisciplinary child sexual abuse response teams.

Summary as enacted with Governor's Recommendations:

Local multidisciplinary child sexual abuse response teams. Requires every attorney for the Commonwealth to establish a multidisciplinary child sexual abuse response team to conduct regular reviews of cases involving felony sex offenses involving children. Such teams may also

review other reports of child abuse and neglect or sex offenses involving children in the jurisdiction. The bill has a delayed effective date of July 1, 2015, and is identical to SB 421.

SB 421 Multidisciplinary child sexual abuse response teams, local; attorney to establish to review cases.

Chief patron: McDougle

An Act to amend the Code of Virginia by adding a section numbered 15.2-1627.5, relating to local multidisciplinary child sexual abuse response teams.

Summary as enacted with Governor's Recommendations:

Local multidisciplinary child sexual abuse response teams. Requires every attorney for the Commonwealth to establish a multidisciplinary child sexual abuse response team to conduct regular reviews of cases involving felony sex offenses involving children. Such teams may also review other reports of child abuse and neglect or sex offenses involving children in the jurisdiction. The bill has a delayed effective date of July 1, 2015, and is identical to HB 334.

HB 660 Crimes; seizure and forfeiture of property.

Chief patron: Bell, Robert B.

An Act to amend the Code of Virginia by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.35, relating to forfeiture of property used in commission of certain crimes.

Summary as passed:

Seizure and forfeiture of property used in connection with the commission of certain crimes. Provides that property used in connection with certain crimes associated with human trafficking is subject to forfeiture to the Commonwealth. The bill requires a conviction before property can be forfeited and any seized property will be released if there is no conviction.

HB 186 Seized drugs and paraphernalia; forfeiture to law enforcement.

Chief patron: Knight

An Act to amend and reenact § 19.2-386.23 of the Code of Virginia, relating to forfeiture of seized drugs and paraphernalia for training purposes.

Summary as passed:

Drugs and paraphernalia forfeited to law enforcement. Provides that seized drugs and drug paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, may be forfeited to a law-enforcement agency for training purposes pursuant to a court order. Current law limits such forfeiture to the Department of Forensic Science for research and training purposes. Limitations are placed on the amount of drugs that a law-enforcement agency may retain and monthly inventories must be submitted to the chief law-enforcement officer in writing. Drugs must be destroyed within 12 months of being obtained and time, place, and manner of destruction must be certified to the court. This bill incorporates HB 481 and is identical to SB 349.

SB 349 Seized drugs and paraphernalia; forfeiture to law enforcement.

Chief patron: Cosgrove

An Act to amend and reenact § 19.2-386.23 of the Code of Virginia, relating to forfeiture of seized drugs and paraphernalia for training purposes.

Summary as passed Senate:

Drugs and paraphernalia forfeited to law enforcement. Provides that seized drugs and drug paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, may be forfeited to a law-enforcement agency for training purposes pursuant to a court order. Current law limits such forfeiture to the Department of Forensic Science for research and training purposes. Limitations are placed on the amount of drugs that a law-enforcement agency may retain and monthly inventories must be submitted to the chief law-enforcement officer in writing. Drugs must be destroyed within 12 months of being obtained and time, place, and manner of destruction must be certified to the court. This bill is identical to HB 186.

II. Courts/Procedures/Evidence

SB 501 Conditions of release on bond; no contact provision.

Chief patron: Obenshain

An Act to amend and reenact § 19.2-123 of the Code of Virginia, relating to release of accused on bond; conditions of release.

Summary as introduced:

Conditions of release on bond; no contact provision. Amends provision that allows a judicial officer to impose as a condition of release on bond for any felony or misdemeanor a provision that the accused may not have contact with a household member for 72 hours by removing the time limitation.

HB 80 Arraignment; defendant may enter conditional guilty plea in certain cases in circuit court.

Chief patron: Hope

An Act to amend and reenact § 19.2-254 of the Code of Virginia, relating to arraignment; conditional guilty pleas.

Summary as passed House:

Conditional guilty pleas. Gives the defendant the same right to enter a conditional guilty plea in a misdemeanor case in circuit court that exists in a felony case.

SB 640 Witnesses; right to nondisclosure of certain information.

Chief patron: Howell

An Act to amend and reenact §§ 19.2-11.2 and 19.2-267 of the Code of Virginia, relating to witness's right to nondisclosure of certain information.

Summary as introduced:

Witness's right to nondisclosure of certain information. Adds witnesses in criminal prosecutions of manufacturing, selling, giving, etc., a controlled substance and of violent felonies to the list of those witnesses who may request to have their addresses, telephone

numbers, and places of employment withheld from disclosure. The bill also prohibits an attorney who issues a summons for a witness in a criminal case from filing the names and addresses of witnesses who are protected from disclosure of such information with the clerk of the court.

HB 403 Child sex-crime cases; admission of prior sexual offenses into evidence.

Chief patron: Bell, Robert B.

An Act to amend the Code of Virginia by adding a section numbered 18.2-67.7:1, relating to admission of prior sex offenses into evidence in child sex crime cases.

Summary as enacted with Governor's Recommendations:

Prior sex offenses admissible in evidence; sex crimes against child. Provides that in a criminal case in which the defendant is accused of a felony sexual offense involving a child victim, evidence of the defendant's conviction of another sexual offense or offenses is admissible and may be considered for its bearing on any matter to which it is relevant. This rule of evidence is to be applied in conjunction with the Virginia Rules of Evidence.

HB 1248 911 emergency service calls; recordings shall be deemed authentic if with certain information.

Chief patron: Surovell

An Act to amend and reenact § 8.01-390 of the Code of Virginia, relating to nonjudicial records as evidence; admissibility.

Summary as passed:

911 emergency service call records as evidence. Provides that recordings and records of 911 emergency service calls shall be deemed authentic transcriptions or recordings of the original statements if they are accompanied by a certificate that authenticates them as true copies and the certificate contains the date and time of the incoming call and, if available, the incoming phone number.

HB 518 Certificates of analysis admitted into evidence; electronic signature.

Chief patron: Morris

An Act to amend and reenact §§ 18.2-268.7, 19.2-187, and 46.2-341.26:7 of the Code of Virginia, relating to certificates of analysis admitted into evidence.

Summary as passed:

Certificates of analysis admitted into evidence; electronic signature. Allows the Department of Forensic Science to electronically scan a blood withdrawal certificate into the Department's Laboratory Information Management System and to electronically transmit it and the certificate of analysis to the clerk of court. The bill also allows a certificate of analysis for drugs or alcohol use to be signed electronically.

HB 452 Plea agreements; upon rejection of agreement in any delinquency or criminal matter, etc.

Chief patron: Bell, Robert B.

An Act to amend and reenact § 19.2-254 of the Code of Virginia and to amend the Code of Virginia by adding in Article 8 of Chapter 11 of Title 16.1 a section numbered 16.1-277.2, relating to plea agreements; recusal.

Summary as passed:

Rejection of plea agreement; recusal. Provides that when a judge rejects a plea agreement he shall immediately recuse himself from any further proceedings on the same matter unless the parties agree otherwise.

HB 704 Recording of evidence, etc.; misdemeanor cases electronically in circuit court.

Chief patron: Gilbert

An Act to amend the Code of Virginia by adding a section numbered 17.1-128.1, relating to recording evidence and incidents of trial in misdemeanor cases.

Summary as passed House:

Recording of trial, etc.; misdemeanor cases in circuit court. Requires the circuit court in misdemeanor cases to allow the Commonwealth, the defendant, or both to record evidence and incidents of trial by a mechanical or electronic device in cases in which there is no court reporter or other court-approved verbatim recording. The purpose of the recording is to aid counsel in

producing a statement of facts for appeal when there is no transcript. The recording will not be made a part of the record unless otherwise permitted.

HB 171 Crime victim rights; offenses by juveniles.

Chief patron: Farrell

An Act to amend and reenact §§ 16.1-309.1 and 19.2-11.01 of the Code of Virginia, relating to crime victim rights; offenses by juveniles.

Summary as passed:

Crime victim rights; offenses by juveniles. Expands the list of offenses for which a victim of a delinquent act committed by a juvenile may request that the victim be informed of the charge brought, the findings of the court, and the disposition of the case to include violations of assault and battery, stalking, violation of a protective order, sexual battery, or attempted sexual battery that would be misdemeanors if committed by an adult. The bill also provides that the definition of "victim" for purposes of the Crime Victim and Witness Rights Act includes victims of certain delinquent acts.

HB 743 Mental health; prohibition of firearms.

Chief patron: McClellan

An Act to amend and reenact §§ 37.2-819 and 64.2-2014, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to mental health and the prohibition of firearms.

Summary as passed:

Mental health; prohibition of firearms. Requires the district court judge or special justice to file any order from a commitment hearing for involuntary admission or involuntary outpatient treatment or any certification of voluntary admission subsequent to a temporary detention order with the district court clerk for the county or city where the hearing took place as soon as practicable but no later than the close of business on the next business day following the completion of the hearing. The bill also amends guardianship provisions to require that a copy of the court's findings that a person is incapacitated or has been restored to capacity or a copy of any order appointing a conservator or guardian shall be filed by the judge with the clerk of the circuit court for the county or city where the hearing took place as soon as practicable, but no

later than the close of business on the next business day following the completion of the hearing. Current law does not specify in which county or city the copy shall be filed, nor does it provide a deadline. The bill also changes the deadline for a clerk to certify and forward to the Central Criminal Records Exchange a copy of any order adjudicating a person incapacitated, any order appointing a conservator or guardian, or any order of restoration of capacity to as soon as practicable, but no later than the close of business on the following day instead of the current requirement that a clerk perform these actions "forthwith." This bill is identical to SB 576.

SB 576 Mental health; prohibition of firearms.

Chief patron: McEachin

An Act to amend and reenact §§ 37.2-819 and 64.2-2014, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to mental health and the prohibition of firearms.

Summary as passed:

Mental health; prohibition of firearms. Requires the district court judge or special justice to file any order from a commitment hearing for involuntary admission or involuntary outpatient treatment or any certification of voluntary admission subsequent to a temporary detention order with the district court clerk for the county or city where the hearing took place as soon as practicable but no later than the close of business on the next business day following the completion of the hearing. The bill also amends guardianship provisions to require that a copy of the court's findings that a person is incapacitated or has been restored to capacity or a copy of any order appointing a conservator or guardian shall be filed by the judge with the clerk of the circuit court for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing. Current law does not specify in which county or city the copy shall be filed, nor does it provide a deadline. The bill also changes the deadline for a clerk to certify and forward to the Central Criminal Records Exchange a copy of any order adjudicating a person incapacitated, any order appointing a conservator or guardian, or any order of restoration of capacity to as soon as practicable, but no later than the close of business on the following day instead of the current requirement that a clerk perform these actions "forthwith." This bill is identical to HB 743.

III. Crimes & Offenses

HB 976 Homicides, certain; accessories after the fact.

Chief patron: Cline

An Act to amend and reenact § 18.2-19 of the Code of Virginia, relating to accessories after the fact to certain homicides.

Summary as introduced:

Accessories after the fact to certain homicides. Provides that an accessory after the fact to a homicide offense that is punishable by death or as a Class 2 felony is guilty of a Class 6 felony. Currently, accessories after the fact to any felony are guilty of a Class 1 misdemeanor.

SB 14 Sodomy; crimes against nature, clarifies provisions of clause, penalty.

Chief patron: Garrett

An Act to amend and reenact §§ 17.1-275.12, 18.2-67.5:1, 18.2-346, 18.2-348, 18.2-356, 18.2-359, 18.2-361, 18.2-368, 18.2-370, 18.2-370.1, 18.2-371, and 18.2-374.3 of the Code of Virginia, relating to sodomy; penalties.

Summary as enacted with Governor's Recommendations:

Certain sex crimes. Adds the words "anal intercourse, cunnilingus, fellatio, and anilingus" to numerous Code sections criminalizing certain conduct to clarify the behaviors that are prohibited. The bill also clarifies the sex crimes that are prohibited by the crimes against nature statute. The bill also increases from \$10 to \$15 the additional fee placed upon each felony or misdemeanor conviction assessed as court costs and deposited into the state treasury and credited to the Internet Crimes Against Children Fund. The bill states that an emergency exists and it is in force from its passage.

HB 235 Sex Offender & Crimes Against Minors Registry Act; amends to add solicitation of prostitution.

Chief patron: Bell, Robert B.

An Act to amend and reenact §§ 9.1-902 and 18.2-355 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry; solicitation of prostitution; pandering; minors.

Summary as passed:

Sex Offender and Crimes Against Minors Registry Act; solicitation of prostitution; pandering; minors. Amends the Sex Offender and Crimes Against Minors Registry Act to add solicitation of prostitution from a minor and pandering involving a minor. The bill also provides that a person who engages in pandering involving a minor is guilty of a Class 4 felony. This bill is identical to SB 454.

SB 454 Sex Offender & Crimes Against Minors Registry Act; amends to add solicitation of prostitution.

Chief patron: Obenshain

An Act to amend and reenact §§ 9.1-902 and 18.2-355 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry; solicitation of prostitution; pandering; minors.

Summary as passed:

Sex Offender and Crimes Against Minors Registry Act; solicitation of prostitution; pandering; minors. Amends the Sex Offender and Crimes Against Minors Registry Act to add solicitation of prostitution from a minor and pandering involving a minor. The bill also provides that a person who engages in pandering involving a minor is guilty of a Class 4 felony. This bill is identical to HB 235.

HB 567 Sexual battery; touching a person's intimate parts, etc., penalty.

Chief patron: Watts

An Act to amend and reenact § 18.2-67.4 of the Code of Virginia, relating to sexual battery by touching a person's intimate parts; penalty.

Summary as passed:

Sexual battery by touching a person's intimate parts; penalty. Provides that a person is guilty of sexual battery (punishable as a Class 1 misdemeanor) if he sexually abuses within a two-year period more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness.

SB 476 Incest; definition of parent, includes step-parent, grandparent includes step-grandparent, penalty.

Chief patron: Norment

An Act to amend and reenact § 18.2-366 of the Code of Virginia, relating to incest; definition of parent, etc.; penalty.

Summary as passed:

Incest; definitions of parent, etc.; penalty. Provides that for the purposes of the crime of incest, parent includes stepparent, grandparent includes step-grandparent, child includes stepchild, and grandchild includes step-grandchild.

HB 326 Unlawful dissemination or sale of images of another; person is guilty of Class 1 misdemeanor.

Chief patron: Bell, Robert B.

An Act to amend and reenact § 18.2-386.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-386.2, relating to unlawful dissemination or sale of images of another; penalty.

Summary as passed:

Unlawful dissemination or sale of images of another; penalty. Provides that a person is guilty of a Class 1 misdemeanor if he, with the intent to coerce, harass, or intimidate the depicted person, maliciously disseminates or sells any videographic or still image created by any means whatsoever that depicts another person who is totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breasts, where such person knows or has reason to know that he is not licensed or authorized to do so. The bill also amends the crime of creating an image of a nonconsenting person by substituting the term "videographic or still image created by any means whatsoever" for the current term "videotape, photograph, or film." This bill incorporates HB 49.

HB 708 Assault and battery; family or household member.

Chief patron: Gilbert

An Act to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery against a family or household member.

Summary as introduced:

Assault and battery against a family or household member. Adds unlawful wounding in violation of § 18.2-51 and strangulation in violation of § 18.2-51.6 to the list of offenses that, if a person has been previously convicted of two such offenses within a 20-year period and such offenses occurred on different dates, enhance the penalty of assault and battery against a family or household member from a Class 1 misdemeanor to a Class 6 felony.

HB 851 Assault and battery; full-time or part-time employee, penalty.

Chief patron: LeMunyon

An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery; school employees; penalty.

Summary as passed:

Assault and battery; school employees; penalty. Provides that a battery against any full-time or part-time employee of a public or private elementary school who is engaged in the performance of his duties is punishable as a Class 1 misdemeanor and the punishment shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum sentence. Currently, only a battery against a teacher, principal, assistant principal, or guidance counselor is subject to this enhanced penalty for battery. This bill is identical to SB 570.

SB 570 Assault and battery; full-time or part-time employee, penalty.

Chief patron: Stuart

An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery; school employees; penalty.

Summary as passed:

Assault and battery; school employees; penalty. Provides that a battery against any full-time or part-time employee of a public or private elementary school who is engaged in the performance of his duties is punishable as a Class 1 misdemeanor and the punishment shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum sentence. Currently, only a battery against a teacher, principal, assistant principal, or guidance counselor is subject to this enhanced penalty for battery. This bill is identical to HB 851.

HB 810 Firearms; willful discharge resulting in permanent physical impairment, Class 6 felony.

Chief patron: Carr

An Act to amend and reenact § 18.2-56.1 of the Code of Virginia, relating to reckless handling of firearms; penalty.

Summary as passed:

Reckless handling of firearms; penalty. Provides that any person who recklessly handles a firearm and through such reckless handling causes the serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of a Class 6 felony. This bill is identical to SB 65.

SB 65 Firearms; willful discharge resulting in permanent physical impairment, Class 6 felony.

Chief patron: Marsh

An Act to amend and reenact § 18.2-56.1 of the Code of Virginia, relating to reckless handling of firearms; penalty.

Summary as passed:

Reckless handling of firearms; penalty. Provides that any person who recklessly handles a firearm and through such reckless handling causes the serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of a Class 6 felony. This bill is identical to HB 810.

HB 505 Dextromethorphan Distribution Act; penalty for distributing or selling Dextromethorphan to a minor.

Chief patron: Hodges

An Act to amend the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 1.3, consisting of sections numbered 18.2-265.19, 18.2-265.20, and 18.2-265.21, relating to the Dextromethorphan Distribution Act; penalty.

Summary as passed:

Dextromethorphan Distribution Act; penalty. Provides that no pharmacy or retail distributor may knowingly or intentionally sell or distribute a product containing dextromethorphan (a cough suppressant found in many over-the-counter medications) to a minor and that no minor may knowingly and intentionally purchase such product. A violation is punishable by a \$25 civil penalty. Additionally, a pharmacy or retail distributor shall not sell or distribute a product containing dextromethorphan unless the purchaser presents a government-issued photo-ID showing proof of age or the purchaser appears to be at least 25 years old. Upon a first violation, the pharmacy or retail distributor shall receive a notice of noncompliance, and any subsequent violation is punishable by a \$25 civil penalty. The bill also provides that a person who distributes or possesses with the intent to distribute unfinished dextromethorphan is guilty of a Class 1 misdemeanor. The bill has a delayed effective date of January 1, 2015, and is identical to SB 213.

SB 213 Dextromethorphan Distribution Act; penalty.

Chief patron: Carrico

An Act to amend the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 1.3, consisting of sections numbered 18.2-265.19, 18.2-265.20, and 18.2-265.21, relating to the Dextromethorphan Distribution Act; penalty.

Summary as passed:

Dextromethorphan Distribution Act; penalty. Provides that no pharmacy or retail distributor may knowingly or intentionally sell or distribute a product containing dextromethorphan (a cough suppressant found in many over-the-counter medications) to a minor and that no minor may knowingly and intentionally purchase such product. A violation is punishable by a \$25 civil penalty. Additionally, a pharmacy or retail distributor shall not sell or distribute a product containing dextromethorphan unless the purchaser presents a government-issued photo-ID showing proof of age or the purchaser appears to be at least 25 years old. Upon a first violation, the pharmacy or retail distributor shall receive a notice of noncompliance, and any subsequent violation is punishable by a \$25 civil penalty. The bill also provides that a person who distributes or possesses with the intent to distribute unfinished dextromethorphan is guilty of a Class 1 misdemeanor. The bill has a delayed effective date of January 1, 2015, and is identical to HB 505.

HB 1112 Controlled substance analogs; regulation by Board of Pharmacy, synthetic cannabinoids, penalties.

Chief patron: Garrett

An Act to amend and reenact §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-46.1, 18.2-250, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.09, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, 54.1-3446, and 54.1-3456 of the Code of Virginia and to repeal § 18.2-248.1:1 of the Code of Virginia, relating to controlled substance analogs; synthetic cannabinoids; regulation by Board of Pharmacy; penalties.

Summary as passed:

Cannabimimetic agents; controlled substance analogs; regulation by Board of Pharmacy; penalties. Substitutes the term "cannabimimetic agents" for the term "synthetic cannabinoids" to describe certain substances that are unlawful to possess, sell, give, distribute, or manufacture. The bill authorizes the Board of Pharmacy to place controlled substance analogs (a substance that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II and that has or is intended to have the same or a greater stimulant, depressant, or hallucinogenic effect on the central nervous system) into the list of controlled substances found in Schedule I or II via an expedited regulatory process. A substance added via this process is removed from such list after 18 months unless a general law is enacted adding the substance to such list. Such controlled substance analogs are subject to the same penalties as those for the actual drug. The bill also repeals the specific criminal penalties for possession, etc., of synthetic cannabinoids and places cannabimimetic agents on the list of controlled substances in Schedule I, where they will be subject to the same penalties as those for other Schedule I controlled substances with the exception of simple possession, which will be penalized as a Class 1 misdemeanor instead of as a Class 5 felony. This bill is identical to SB 594.

SB 594 Controlled substance analogs; regulation by Board of Pharmacy, synthetic cannabinoids, penalties.

Chief patron: Obenshain

An Act to amend and reenact §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-46.1, 18.2-250, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.09, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, 54.1-3446, and 54.1-3456 of the Code of Virginia and to repeal § 18.2-248.1:1 of the Code of Virginia, relating to controlled substance analogs; synthetic cannabinoids; regulation by Board of Pharmacy; penalties.

Summary as passed:

Cannabimimetic agents; controlled substance analogs; regulation by Board of Pharmacy; penalties. Substitutes the term "cannabimimetic agents" for the term "synthetic cannabinoids" to describe certain substances that are unlawful to possess, sell, give, distribute, or manufacture. The bill authorizes the Board of Pharmacy to place controlled substance analogs (a substance that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II and that has or is intended to have the same or a greater stimulant, depressant, or hallucinogenic effect on the central nervous system) into the list of controlled substances found in Schedule I or II via an expedited regulatory process. A substance added via this process is removed from such list after 18 months unless a general law is enacted adding the substance to such list. Such controlled substance analogs are subject to the same penalties as those for the actual drug. The bill also repeals the specific criminal penalties for possession, etc., of synthetic cannabinoids and places cannabimimetic agents on the list of controlled substances in Schedule I, where they will be subject to the same penalties as those for other Schedule I controlled substances with the exception of simple possession, which will be penalized as a Class 1 misdemeanor instead of as a Class 5 felony. This bill is identical to HB 1112.

HB 218 Tobacco products; purchase, etc., of nicotine vapor products by minors, penalty.

Chief patron: Albo

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia, relating to purchase, etc., of tobacco products by minors; nicotine vapor products and alternative nicotine products; penalty.

Summary as passed:

Purchase, etc., of tobacco products by minors; nicotine vapor products and alternative nicotine products. Adds nicotine vapor products and alternative nicotine products to the list of tobacco products that cannot be sold to or purchased or possessed by a minor. The bill defines a nicotine vapor product as a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other means that can be used to produce vapor from nicotine in a solution or other form. The bill defines an alternative nicotine product as any noncombustible product containing nicotine that is intended for human consumption. This bill incorporates HB 26 and is identical to SB 96.

SB 96 Tobacco products; purchase, etc., of nicotine vapor products by minors, penalty.

Chief patrons: Reeves, Ebbin

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia, relating to purchase, etc., of tobacco products by minors; nicotine vapor products and alternative nicotine products; penalty.

Summary as passed:

Purchase, etc., of tobacco products by minors; nicotine vapor products and alternative nicotine products. Adds nicotine vapor products and alternative nicotine products to the list of tobacco products that cannot be sold to or purchased or possessed by a minor. The bill defines a nicotine vapor product as a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other means that can be used to produce vapor from nicotine in a solution or other form. The bill defines an alternative nicotine product as any noncombustible product containing nicotine that is intended for human consumption. This bill incorporates SB 17 and is identical to HB 218.

HB 853 Cigarette laws; administration and enforcement, etc.

Chief patron: Gilbert

An Act to amend and reenact §§ 19.2-215.1, 19.2-386.21, 58.1-1000, 58.1-1001, 58.1-1012, and 58.1-1017.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.2, relating to the administration and enforcement of Virginia's cigarette laws.

Summary as passed:

Administration and enforcement of cigarette laws. Modifies several provisions relating to the administration and enforcement of Virginia's cigarette laws by providing that (i) violations of cigarette tax laws may be investigated by a multijurisdiction grand jury; (ii) counterfeit or unstamped cigarettes or cigarettes in the possession of an unauthorized holder may be assigned by court order for use by a law-enforcement undercover operation; (iii) a person convicted of possessing unstamped cigarettes would be ineligible to be an authorized holder of cigarettes; (iv) members of federal, state, and local law enforcement would be exempt from cigarette taxes when the cigarettes are used in the performance of investigatory duties; (v) manufacturers and distributors of cigarettes would be allowed to ship or deliver unstamped cigarettes to a law-enforcement agency for use in the performance of its duties; and (vi) where a sealed pack is labeled as containing cigarettes, such labeling would constitute prima facie evidence that the pack is a pack of cigarettes. The bill also substantially increases the civil penalties for possession with intent to distribute tax-paid contraband cigarettes by a person other than an authorized holder. Penalties are graduated based on the number of offenses and the amount that is currently the maximum fine is the minimum fine under the bill.

SB 285 Civil penalty; untaxed tobacco products.

Chief patron: Howell

An Act to amend and reenact § 58.1-1021.04:3 of the Code of Virginia, relating to civil penalty for untaxed tobacco products.

Summary as passed Senate:

Civil penalty; untaxed tobacco products. Creates a civil penalty for the import, transport, possession, or resale of untaxed tobacco products and delineates the respective penalty for first, second, and third or subsequent offenses. The bill also specifies a civil penalty for willful intent to defraud the Commonwealth of taxes levied on tobacco products. This bill is identical to HB 898.

SB 352 Cigarettes; sealed labeled pack shall be prima facie evidence.

Chief patrons: Reeves, Howell

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.2, relating to sealed packs labeled as cigarettes; prima facie evidence of cigarettes.

Summary as introduced:

Sealed pack labeled as cigarettes; prima facie evidence. Provides that where a sealed pack is labeled as containing cigarettes, such labeling shall be prima facie evidence that the contents of the pack are cigarettes.

SB 364 Cigarette taxes; ineligibility to be an authorized holder.

Chief patrons: Reeves, Howell

An Act to amend and reenact § 58.1-1000 of the Code of Virginia, relating to cigarette taxes; definitions; authorized holder.

Summary as introduced:

Cigarette taxes; ineligibility to be authorized holder. Provides that persons who have been convicted of selling, purchasing, or possessing, etc., unstamped cigarettes for the purpose of evading taxes and persons convicted of possession with intent to distribute tax-paid, contraband cigarettes are not eligible to be authorized holders of cigarettes.

SB 365 Cigarettes, counterfeit and contraband; use by law enforcement.

Chief patrons: Reeves, Howell

An Act to amend and reenact §§ 19.2-386.21, 58.1-1001, and 58.1-1012 of the Code of Virginia, relating to forfeiture of counterfeit and contraband cigarettes; use by law enforcement.

Summary as passed Senate:

Forfeiture of counterfeit and contraband cigarettes; use by law enforcement. Provides that counterfeit and contraband cigarettes that have been forfeited to law enforcement do not have to be destroyed, but may be used by law enforcement for the conduct of undercover operations. The bill also allows law-enforcement agencies to possess for investigative purposes cigarettes without tax stamps.

SB 366 Multijurisdiction grand juries; cigarette trafficking offenses, jury may investigate.

Chief patrons: Reeves, Howell

An Act to amend and reenact § 19.2-215.1 of the Code of Virginia, relating to functions of multijurisdiction grand juries.

Summary as introduced:

Multijurisdiction grand juries. Adds the cigarette trafficking offenses to the list of crimes that a multijurisdiction grand jury may investigate.

SB 478 Cigarettes, tax-paid contraband; illegal distribution.

Chief patrons: Norment, Howell

An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia, relating to illegal distribution of tax-paid contraband cigarettes; civil penalties.

Summary as introduced:

Illegal distribution of tax-paid contraband cigarettes. Substantially increases the civil penalties for possession with intent to distribute tax-paid contraband cigarettes by a person other than an authorized holder. Penalties are graduated based on the number of offenses and the amount that is currently the maximum fine is the minimum fine under the bill.

SB 489 Cigarettes, tax-paid contraband; penalty for possession with intent to distribute, exception.

Chief patrons: Norment, Howell

An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia, relating to possession with intent to distribute tax-paid, contraband cigarettes; authorized holder.

Summary as passed:

Possession with intent to distribute tax-paid, contraband cigarettes; authorized holder. Clarifies that it is not necessary to prove that the perpetrator is not an authorized holder in order for such perpetrator to be guilty of the crime of possession with intent to distribute tax-paid contraband cigarettes.

SB 482 Driving under influence of alcohol; probation, license suspension, etc.

Chief patron: Norment

An Act to amend and reenact §§ 18.2-270, 18.2-270.1, 18.2-271.1, 46.2-391.01, and 46.2-391.2 of the Code of Virginia, relating to driving while intoxicated.

Summary as passed Senate:

DUI; probation; license suspension, etc. Removes the provision that, unless otherwise modified by the court, a defendant who has been convicted of a fourth or subsequent DUI in 10 years shall remain on probation and under the terms of any suspended sentence for the same period as his operator's license was suspended, not to exceed three years. The bill also amends the provision that allows for administrative suspension of driving privileges for refusal to submit to a test to determine blood alcohol content to provide that the suspension can occur for refusal to submit to a blood test as well as a breath test. In addition, the bill corrects two incorrect cross-references, corrects an omission regarding administrative suspension of licenses for failure to order ignition interlock, and clarifies that VASAP is required for all convictions under § 18.2-266. This bill incorporates SB 190.

HB 542 Wearing masks; unlawful for any person to wear with intent to conceal identity, penalty.

Chief patron: McQuinn

An Act to amend and reenact § 18.2-422 of the Code of Virginia, relating to wearing masks; exceptions.

Summary as passed House:

Wearing masks; exceptions; penalty. Provides that a person over the age of 16 who wears a mask, hood, or other device that hides or covers a substantial portion of the face with the intent to conceal his identity, subject to certain exceptions, is guilty of a Class 6 felony. Currently, the Code is silent as to the intent of the wearer.

SB 611 Automated sales suppression devices; falsifying electronic records, penalties.

Chief patron: Saslaw

An Act to amend and reenact §§ 58.1-1814 and 58.1-3907 of the Code of Virginia, relating to use of automated sales suppression devices; penalty.

Summary as passed:

Automated sales suppression device; penalties. Makes it a Class 1 misdemeanor to willfully utilize any device or software to falsify the electronic records of cash registers or manipulate transaction records that affect any state or local tax liability. The bill provides that any violation shall result in a civil penalty of \$20,000.

SB 97 Bicycles, etc.; minimum clearance for passing.

Chief patron: Reeves

An Act to amend and reenact § 46.2-839 of the Code of Virginia, relating to minimum clearance when passing a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

Summary as introduced:

Minimum clearance for passing bicycles, etc. Increases from two to three feet the minimum clearance between a passing vehicle and a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

IV. Punishment/Consequences

HB 183 Juveniles; commitment to Department of Juvenile Justice, consideration of social history, report.

Chief patron: Farrell

An Act to amend and reenact §§ 16.1-272, 16.1-273, 16.1-278.7, and 16.1-278.8 of the Code of Virginia, relating to commitment of juvenile to the Department of Juvenile Justice; consideration of social history.

Summary as passed House:

Commitment of juvenile to Department of Juvenile Justice; consideration of social history. Requires a judge to review and take into consideration the results of an investigation of the social history of a juvenile before ordering the juvenile to be committed to the Department of Juvenile Justice for placement in a juvenile correctional center, unless such investigation is waived by an agreement between the attorney for the Commonwealth and the juvenile. Under current law, the investigation may be completed up to 15 days after the juvenile is committed to

the Department. The bill provides that circuit court judges are not required to review a social history prior to sentencing or commitment. The bill also requires the Department of Juvenile Justice to develop a model social history and guidelines to be used by court services units when preparing a social history and to report its progress to the Commission on Youth by the 2015 Regular Session of the General Assembly. The bill has a delayed effective date of October 1, 2014, for the provisions related to the court's review of a social history prior to commitment. This bill is identical to SB 128.

SB 128 Juveniles; commitment to Department of Juvenile Justice, consideration of social history, report.

Chief patron: Favola

An Act to amend and reenact §§ 16.1-272, 16.1-273, 16.1-278.7, and 16.1-278.8 of the Code of Virginia, relating to commitment of juvenile to the Department of Juvenile Justice; consideration of social history.

Summary as passed Senate:

Commitment of juvenile to Department of Juvenile Justice; consideration of social history. Requires a judge to review and take into consideration the results of an investigation of the social history of a juvenile before ordering the juvenile to be committed to the Department of Juvenile Justice for placement in a juvenile correctional center, unless such investigation is waived by an agreement between the attorney for the Commonwealth and the juvenile. Under current law, the investigation may be completed up to 15 days after the juvenile is committed to the Department. The bill provides that circuit court judges are not required to review a social history prior to sentencing or commitment. The bill also requires the Department of Juvenile Justice to develop a model social history and guidelines to be used by court services units when preparing a social history and to report its progress to the Commission on Youth by the 2015 Regular Session of the General Assembly. The bill has a delayed effective date of October 1, 2014, for the provisions related to the court's review of a social history prior to commitment. This bill is identical to HB 183.

HB 159 Personal property; fraudulent conversion or removal of leased property, restitution.

Chief patron: Albo

An Act to amend and reenact § 18.2-118 of the Code of Virginia, relating to fraudulent conversion or removal of leased personal property; restitution.

Summary as passed House:

Fraudulent conversion or removal of leased property; restitution. Provides that a court shall order a person found guilty of fraudulent conversion of leased personal property to make restitution as the court deems appropriate to the lessor of the property. Such restitution may include (i) the cost of repairing such property; (ii) if the property is not returned or cannot reasonably be repaired, the actual value of such property; and (iii) any reasonable loss of revenue by the lessor. This bill incorporates HB 73.

V. Post Trial Issues

HB 885 Criminal Injuries Compensation Fund; filing of claims.

Chief patron: Peace

An Act to amend and reenact §§ 19.2-368.5, 19.2-368.9, and 19.2-368.11:1 of the Code of Virginia, relating to the Criminal Injuries Compensation Fund; workgroup.

Summary as passed:

Criminal Injuries Compensation Fund. Allows the Fund to extend the time for filing a claim if the attorney for the Commonwealth submits written notice that the crime is being investigated as a result of newly discovered evidence. This provision applies to crimes committed on or after July 1, 1977, because under current law, the only claims that can be accepted are those for crimes that occurred on or after that date, and does not apply to crimes committed on or after July 1, 2001, because legislation that became effective on July 1, 2001, allowed the Virginia Workers' Compensation Commission, which administers the Fund, to extend the time for filing for good cause shown. The bill raises from \$2,000 to \$3,000 the maximum amount of an emergency award, from \$1,000 to \$2,000 the maximum moving expenses, and from \$2,500 to \$3,500 the maximum reimbursement for mental health counseling for relatives of homicide victims. The bill also requires the Virginia State Crime Commission to convene a stakeholder workgroup to support an efficient and comprehensive streamlining of current federal and state sexual and domestic violence victim service agency funding.

SB 186 Criminal Injuries Compensation Fund; filing of claims.

Chief patron: McDougle

An Act to amend and reenact § 19.2-368.5 of the Code of Virginia, relating to the Criminal Injuries Compensation Fund; filing of claims.

Summary as introduced:

Criminal Injuries Compensation Fund. Allows the Fund to extend the time for filing a claim if the attorney for the Commonwealth submits written notice that the crime is being investigated as a result of newly discovered evidence. The bill applies to crimes committed on or after July 1, 1977, because under current law, the only claims that can be accepted are those for crimes that occurred on or after that date. The bill does not apply to crimes committed on or after July 1, 2001, because legislation that became effective on July 1, 2001, allowed the Virginia Workers' Compensation Commission, which administers the Fund, to extend the time for filing for good cause shown.

HB 233 Sex offenders; requires circuit court to find good cause before accepting name change applications.

Chief patron: Bell, Robert B.

An Act to amend and reenact § 8.01-217 of the Code of Virginia, relating to how name of person may be changed.

Summary as passed:

How name of person may be changed; sex offenders; probationers; incarcerated persons. Establishes procedures for name change applications from probationers, persons required to register as sex offenders, and incarcerated persons. The court is required to send a copy of the application to certain attorneys for the Commonwealth and to conduct a hearing. The court may order a change of name if the court determines that it would not frustrate a legitimate law-enforcement purpose, is not sought for a fraudulent purpose, and would not otherwise infringe on the rights of others. An order granting a change of name that fails to comport with the statutory requirements is void *ad initio*, and the attorney for the Commonwealth for the jurisdiction where the application was filed has the authority to bring an independent action to have the order declared void.

HB 1251 Sex offenders; reregistration, name change.

Chief patron: Ramadan

An Act to amend and reenact §§ 9.1-903 and 9.1-908 of the Code of Virginia, relating to sex offenders; reregistration; name change.

Summary as passed House:

Sex offenders; reregistration; name change. Provides that a person required to register with the Sex Offender and Crimes Against Minors Registry must reregister in person with the local law-enforcement agency within three days following a change of the person's name and that a person who is incarcerated or civilly committed must notify the Registry within three days following a name change. Currently, there is no time specified for when such person has to reregister. The bill also requires that the information contained in the Registry must include any former name of a person required to register if he has lawfully changed his name during the period for which he is required to register. Persons required to register who have changed their name prior to July 1, 2014, who have not already reregistered following their name change, must register within three days of July 1, 2014.

VI. Protective Orders

HB 285 Emergency protective orders; arrests for domestic assault, definition of law-enforcement officer.

Chief patron: Bell, Robert B.

An Act to amend and reenact §§ 16.1-253.4 and 19.2-81.3 of the Code of Virginia, relating to arrest for domestic assault; emergency protective orders; definition of law-enforcement officer.

Summary as enacted with Governor's Recommendations:

Emergency protective orders; arrests for certain offenses. Includes special conservators of the peace who have met the certification requirements for a law-enforcement officer in the definition of a law-enforcement officer for the purposes of obtaining an emergency protective order and for making arrests for assault and battery against a household member, stalking, and violation of a protective order. This bill is identical to SB 71.

SB 71 Emergency protective orders; arrests for domestic assault, definition of law-enforcement officer.

Chief patron: Stuart

An Act to amend and reenact §§ 16.1-253.4 and 19.2-81.3 of the Code of Virginia, relating to arrest for domestic assault; emergency protective orders; definition of law-enforcement officer.

Summary as enacted with Governor's Recommendations:

Emergency protective orders; arrests for certain offenses. Includes special conservators of the peace who have met the certification requirements for a law-enforcement officer in the definition of a law-enforcement officer for the purposes of obtaining an emergency protective order and for making arrests for assault and battery against a household member, stalking, and violation of a protective order. This bill is identical to HB 285.

HB 972 Protective orders; companion animals.

Chief patron: Cline

An Act to amend and reenact §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; companion animals.

Summary as passed:

Protective orders; companion animals. Provides that a court may include in a protective order provisions granting to the petitioner possession of a companion animal if the petitioner is the owner of the animal. This bill incorporates HB 624.

HB 335 Family abuse protective orders; motor vehicles.

Chief patron: Bell, Robert B.

An Act to amend and reenact § 16.1-279.1 of the Code of Virginia, relating to protective orders in cases of family abuse; motor vehicles.

Summary as passed:

Family abuse protective orders; motor vehicles. Modifies the provision specifying that the court may grant the petitioner temporary exclusive possession or use of a motor vehicle owned by the petitioner or jointly owned by the parties to provide that the court may direct a respondent to maintain insurance, registration, and taxes on a motor vehicle and enjoin the respondent from terminating such insurance, registration, and taxes. This bill is identical to SB 151.

SB 151 Family abuse protective orders; allowable conditions.

Chief patron: Stuart

An Act to amend and reenact § 16.1-279.1 of the Code of Virginia, relating to protective orders in cases of family abuse; motor vehicles.

Summary as passed:

Family abuse protective orders; motor vehicles. Modifies the provision specifying that the court may grant the petitioner temporary exclusive possession or use of a motor vehicle owned by the petitioner or jointly owned by the parties to provide that the court may direct a respondent to maintain insurance, registration, and taxes on a motor vehicle and enjoin the respondent from terminating such insurance, registration, and taxes. This bill is identical to HB 335.

VII. Mental Health

HB 293 Temporary detention; determining facility for individual.

Chief patron: Bell, Robert B.

An Act to amend and reenact §§ 16.1-340.1 and 37.2-809 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 16.1-340.1:1 and 37.2-809.1, relating to facility of temporary detention.

Summary as passed:

Determining facility of temporary detention. Provides that an individual for whom a temporary detention order is issued shall be detained in a state facility unless the state facility or an employee or designee of the community services board is able to identify an alternative facility that is able and willing to provide temporary detention. The bill also provides that under

no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention unless an alternative facility has agreed to accept the individual. The Department of Behavioral Health and Developmental Services shall submit an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of the provisions of the bill. This bill incorporates HB 243.

HB 323 Temporary detention order; transportation.

Chief patron: O'Bannon

An Act to amend and reenact § 37.2-810 of the Code of Virginia, relating to temporary detention order; transportation.

Summary as passed House:

Temporary detention order; transportation. Provides that a magistrate may specify any willing law-enforcement agency that has agreed to provide transportation to execute a temporary detention order and transport the person who is the subject of the order. Currently, the magistrate must specify the law-enforcement agency of the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located.

HB 478 Emergency custody orders; duration, extension.

Chief patron: Villanueva

An Act to amend and reenact §§ 16.1-340, 16.1-345.4, 19.2-182.9, 37.2-808, 37.2-809, and 37.2-817.2 of the Code of Virginia, relating to emergency custody; duration; notification.

Summary as passed:

Emergency custody orders; duration; notification. Extends the time that a person may be held pursuant to an emergency custody order from four hours with a possible two-hour extension to eight hours. The bill also provides that a representative of the law-enforcement agency that takes the person into emergency custody or executes an emergency custody order must notify the local community services board as soon as practicable after the person is taken into custody or the order is executed. The bill also requires that a person who is the subject of

an emergency custody order or temporary detention order be given a written summary of the procedures and statutory protections associated with such custody or detention. Finally, the bill directs the Governor's Mental Health Task Force to study issues associated with law enforcement's involvement in the admission process and make recommendations designed to reduce the burden on law-enforcement resources. This bill incorporates HB 242, HB 294, HB 583, and HB 621.

HB 1172 Temporary detention; procedure for transferring person.

Chief patron: Bell, Robert B.

An Act to amend and reenact §§ 37.2-809 and 37.2-810 of the Code of Virginia, relating to change of facility for temporary detention.

Summary as passed House:

Temporary detention; transfer. Establishes a procedure for transferring custody of a person who is the subject of a temporary detention order from one facility to another facility.

SB 260 Emergency custody & temporary detention; web-based psychiatric bed registry, period of custody.

Chief patron: Deeds

An Act to amend and reenact §§ 16.1-340, 16.1-340.1, 16.1-345.4, 19.2-169.6, 19.2-182.9, 37.2-808, 37.2-809, 37.2-814, and 37.2-817.2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 16.1-340.1:1, 37.2-308.1, and 37.2-809.1, relating to emergency custody and temporary detention; duration; facility of temporary detention; acute psychiatric bed registry.

Summary as passed:

Emergency custody and temporary detention; duration; facility of temporary detention; acute psychiatric bed registry. Extends the time that a person may be held pursuant to an emergency custody order from four hours with a possible two-hour extension to eight hours. The bill also provides that a representative of the law-enforcement agency that takes the person into emergency custody or executes an emergency custody order must notify the local community services board as soon as practicable after the person is taken into custody or the order is executed. The bill provides further that an individual for whom a temporary detention order is

issued shall be detained in a state facility unless the state facility or an employee or designee of the community services board is able to identify an alternative facility that is able and willing to provide temporary detention. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention unless an alternative facility has agreed to accept the individual. The state facility and the local community services board may continue to look for an alternative facility for an additional four hours. The provisions of this bill allowing for this additional four-hour period expire on June 30, 2018. The bill also requires that a person who is the subject of an emergency custody order or temporary detention order be given a written summary of the procedures and statutory protections associated with such custody or detention. The bill also directs the Department of Behavioral Health and Developmental Services to establish an acute psychiatric bed registry that will provide real-time information on the availability of beds in public and private psychiatric facilities and residential crisis stabilization units for individuals who meet the criteria for temporary detention. The provisions of the bill establishing such registry are subject to an emergency clause. The Department of Behavioral Health and Developmental Services shall submit an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of the provisions of the bill. Finally, the bill directs the Governor's Mental Health Task Force to study issues associated with law enforcement's involvement in the admission process and make recommendations designed to reduce the burden on law-enforcement resources. This bill incorporates SB 200, SB 263, SB 370, and SB 458.

SB 439 Mandatory outpatient treatment; acknowledgement of transfer & receipt of order within 5 days.

Chief patron: Barker

An Act to amend and reenact §§ 19.2-169.6, 19.2-182.9, 37.2-809, 37.2-814, and 37.2-817 of the Code of Virginia, relating to temporary detention; duration; mandatory outpatient treatment.

Summary as passed:

Temporary detention; duration; mandatory outpatient treatment. Extends the period that a person may be held pursuant to a temporary detention order from 48 hours to 72 hours. The bill also provides that the community services board required to monitor a person who is the subject of a mandatory outpatient treatment order shall acknowledge receipt of the order within five business days. If the person's case is transferred to another jurisdiction, the community services

board serving that jurisdiction shall acknowledge the transfer and receipt of the order within five business days. This bill is identical to HB 574.

VIII. Miscellaneous

SB 654 Criminal Justice Services, Department of; human trafficking policy.

Chief patron: Obenshain

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to the Department of Criminal Justice Services; human trafficking policy.

Summary as passed Senate:

Department of Criminal Justice Services; human trafficking policy. Requires the Department of Criminal Justice Services to publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses.

HB 587 College campus police and security departments; DCJS to identify minimum core operational functions.

Chief patron: Yost

An Act to require the Department of Criminal Justice Services to identify minimum core operational functions for college campus police and security departments.

Summary as passed:

Campus police and security departments; DCJS to conduct study to identify potential minimum core operational functions. Requires the Department of Criminal Justice Services to conduct a study to identify potential minimum core operational functions for college campus police and security departments. In conducting this study, the Department shall determine the cost to bring existing departments into compliance with such functions and legislative amendments needed in order to require compliance. This bill is identical to SB 440.

SB 440 College campus police and security departments; DCJS to identify minimum core operational functions.

Chief patron: Barker

An Act to require the Department of Criminal Justice Services to identify minimum core operational functions for college campus police and security departments.

Summary as passed Senate:

Campus police and security departments; DCJS to conduct study to identify potential minimum core operational functions. Requires the Department of Criminal Justice Services to conduct a study to identify potential minimum core operational functions for college campus police and security departments. In conducting this study, the Department shall determine the cost to bring existing departments into compliance with such functions and legislative amendments needed in order to require compliance. This bill is identical to HB 587.

SB 85 Central station dispatchers; exempt from training requirement if station has certification.

Chief patron: Watkins

An Act to amend the Code of Virginia by adding a section numbered 9.1-140.01, relating to the Department of Criminal Justice Services; private security services businesses; exemption from training for certain central dispatchers.

Summary as passed:

Department of Criminal Justice Services; private security services businesses; exemption from training for certain central dispatchers. Provides that central station dispatchers employed by a central station that is certified by a Nationally Recognized Testing Laboratory are exempt from training requirements established by the Department of Criminal Justice Services. The bill defines "Nationally Recognized Testing Laboratory" as the designation given by the federal Occupational Safety and Health Administration to a private sector testing facility that provides product safety testing and certification services.

SB 658 Physical evidence recovery kits; local and state law-enforcement agencies shall report an inventory.

Chief patron: Black

An Act to require law-enforcement agencies to report an inventory of physical evidence recovery kits to the Department of Forensic Science.

Summary as passed:

Inventory of physical evidence recovery kits. Requires all local and state law-enforcement agencies to report an inventory of all physical evidence recovery kits in their custody that may contain biological evidence that were collected but not submitted to the Department of Forensic Science for analysis prior to July 1, 2014. The Department shall establish the form of and timeline for such inventory, receive the reports from the law-enforcement agencies, and report the results of the inventory to the General Assembly by July 1, 2015. The bill does not become effective unless an appropriation effectuating the purposes of the bill is included in the general appropriation act passed in 2014 by the General Assembly that becomes law.

Counts: HB: 44 SB: 33

HB 872 Interjurisdictional law-enforcement agreement; agreement may allow loan of unmarked police vehicles.

Chief patron: Rush

An Act to amend and reenact § 15.2-1726 of the Code of Virginia, relating to interjurisdictional law- enforcement agreements.

Summary as introduced:

Interjurisdictional law-enforcement agreements. Provides that interjurisdictional law-enforcement agreements may allow the loan of unmarked police vehicles.

HB 1049 Regional Criminal Justice Academy Training Fund; local fee.

Chief patron: Helsel

An Act to amend and reenact § 9.1-106 of the Code of Virginia, relating to the Regional Criminal Justice Academy Training Fund; local fee.

Summary as passed House:

Independent criminal justice academies; fee. Changes the date by which a locality must have been operating a certified independent criminal justice academy from July 1, 2010, to July

1, 2012, to allow certain localities to charge a fee for operating their criminal justice academies. This bill is identical to SB 597.

SB 597 Regional Criminal Justice Academy Training Fund; local fee.

Chief patron: Locke

An Act to amend and reenact § 9.1-106 of the Code of Virginia, relating to Regional Criminal Justice Academy Training Fund; local fee.

Summary as passed:

Independent criminal justice academies; fee. Changes the date by which a locality must have been operating a certified independent criminal justice academy from July 1, 2010, to July 1, 2012, to allow certain localities to charge a fee for operating their criminal justice academies. This bill is identical to HB 1049.

HB 411 Vehicle safety inspection approval; increases grace period for certain members of armed services.

Chief patron: Anderson

An Act to amend and reenact § 46.2-1158.1 of the Code of Virginia, relating to vehicle safety inspection approval; armed services grace period.

Summary as introduced:

Vehicle safety inspection approval; armed services grace period. Increases the grace period for vehicle safety inspection from five business days to 14 calendar days for members of the armed services on active duty. This bill is identical to SB 138.

HB 100 Concealed handgun permits; references to issuance of handgun permit before July 1, 2008.

Chief patron: Lingamfelter

An Act to amend and reenact §§ 18.2-308.02 and 18.2-308.011 of the Code of Virginia, relating to concealed handgun permits; records.

Summary as passed House:

Concealed handgun permits; records. Provides that any references to the issuance of a concealed handgun permit in any order book before July 1, 2008, are exempt from the requirement that such orders be withheld from public disclosure. The bill also directs circuit court clerks to issue replacement permits to permit holders who undergo a lawful name change.

SB 138 Vehicle safety inspection approval; increases grace period for certain members of armed services.

Chief patron: Barker

An Act to amend and reenact § 46.2-1158.1 of the Code of Virginia, relating to vehicle safety inspection approval; armed services grace period.

Summary as introduced:

Vehicle safety inspection approval; armed services grace period. Increases the grace period for vehicle safety inspection from five business days to 14 calendar days for members of the armed services on active duty. This bill is identical to HB 411.